

## **Chapter X -- Falconry**

### **10.1 Meaning of words and phrases.**

Sec. 10.1. For purposes of this chapter, the words and phrases defined in section 10.2 shall have the meanings ascribed to them in that section.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991.

### **10.2 Definitions.**

Sec. 10.2. (1) "Eyasses" means young birds not yet capable of flight.

(2) "Falconer" means a person possessing a valid falconry permit.

(3) "Falconry" means the sport of taking quarry by means of a trained raptor.

(4) "Falconry permit" means a document which authorizes the holder to practice falconry.

(5) "Federal regulations" means the United States fish and wildlife service regulations and standards.

(6) "Imping" means the repair of a broken feather on a raptor by attaching a molted feather or feather from another bird to the stub of the damaged feather.

(7) "Marker" means the federal identification device bearing a serial number which must be attached to a raptor used in the sport of falconry.

(8) "Mew" means the building or room in which raptors are held and sheltered.

(9) "Service" means the United States fish and wildlife service of the department of the interior.

(10) "Passage" means a flighted raptor less than 1 year of age.

(11) "Weathering area" means an outdoor facility in which raptors are held and sheltered.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr. 9, 1999.

### **10.3 Falconry permit; application; unlawful acts.**

Sec. 10.3. (1) An applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided by the service and administered by the department. The examination shall relate to basic biology, care and handling of raptors, pertinent literature, laws and regulations, or other appropriate subject matter. Upon passing the falconry examination, the applicant is eligible to become an apprentice falconer.

(2) A person may possess, transport, and use raptors for falconry purposes provided the person obtains a falconry permit from the wildlife division permit specialist, issued in accordance with his or her qualifications. A falconry permit shall be valid for 3 years, or from issue date through the third June 30 after issue. Applications are to be made on forms provided by the service or the department.

(3) There shall be 3 classes of falconry permits. They shall be known as apprentice falconry, general falconry, and master falconry permits. The qualifications for each class of permits are:

(a) Apprentice falconry permit:

(i) An apprentice falconer shall be at least 14 years old.

(ii) An apprentice falconer, regardless of age, must have a sponsor, who is a general or master falconer, for the first two years in which an apprentice permit is held. A sponsor shall not have more than 3 apprentices at any one time.

(iii) An apprentice falconer shall not possess more than 1 raptor and shall not obtain more than 1 raptor for replacement during any 12-month period beginning April 1 of each year.

(iv) An apprentice falconer shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*) which must be taken from the wild in a state where lawful.

(v) An apprentice falconer shall not import or possess eyasses.

(b) General falconry permit:

(i) A general falconer shall be at least 18 years old.

(ii) A general falconer shall have at least 2 years of falconry experience at the apprentice level or equivalent falconry experience if obtained prior to the year 1977 or equivalent falconry experience if obtained in a foreign country. An apprentice falconer, upon meeting the qualifications for a general falconry permit, must make a written request to the wildlife division permit specialist for a change in classification.

(iii) A general falconer shall not possess more than 2 raptors and shall not obtain more than 2 raptors taken from the wild for replacement during any 12-month period beginning April 1 of each year.

(c) Master falconry permit:

(i) A master falconer shall have at least 5 years of falconry experience at the general level or equivalent falconry experience if obtained prior to the year 1977 or equivalent falconry experience if obtained in a foreign country. A general falconer, upon meeting the qualifications for a master falconry permit, must make a written request to the wildlife division permit specialist for a change in classification.

(ii) A master falconer shall not possess more than 3 raptors and shall not obtain more than 2 raptors taken from the wild for replacement during any 12-month period beginning April 1 of each year.

(4) As provided by part 435, hunting and fishing licensing, of the natural resources and environmental protection act, Act 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws, a person taking an animal with the use of a raptor is required to have an appropriate license.

(5) A general or master falconer shall not transport or possess any golden eagle, or any species not defined as a raptor, or any species listed as threatened or endangered by the department or service, for falconry purposes, except as provided by appropriate federal falconry regulations and by part 365, endangered species protection, of the natural resources and environmental protection act, Act 451 of the Public Acts of 1994, being sections 324.36501 to 324.36507 of the Michigan Compiled Laws.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am. 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr. 9, 1999.

#### **10.4 Sources of raptors; retrapping; reporting requirements.**

Sec. 10.4. (1) A falconer may acquire a raptor only from the following sources:

(a) Lawful importation as provided by section 4.2 of this order.

(b) Lawful purchase or barter as provided by section 4.3 of this order.

(c) A gift or donation of a lawfully possessed raptor.

(d) Lawful taking as provided in section 10.10 of this chapter.

(2) A raptor marked as specified in section 10.7 may be retrapped at any time.

(3) Any change in a permittee's live bird inventory shall be reported to the wildlife division permit specialist within 5 days of the change by submitting the completed blue copy of federal form 3-186A, migratory bird acquisition and disposition report.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am 1, 1997, Eff. May 1, 1997.; Am. 4, 1999, Eff. Apr. 9, 1999.

### **10.5 Facilities, equipment, maintenance, and care.**

Sec. 10.5. (1) Before a falconry permit is issued, an applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a conservation officer as meeting the following standards:

(a) The raptor housing facility shall provide protection from the environment, predators, and undue disturbance. The facility may be classified as either indoor or outdoor and shall meet the following as applicable:

(i) An indoor facility (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than 1 raptor is kept in the mew, the raptors shall be tethered or separated by partitions, and the area for each shall be large enough to allow the raptor to fully extend its wings. There shall be at least 1 window, protected on the inside by vertical bars, spaced narrower than the raptor's body, and a secure door that can be closed easily. The floor of the mew shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and attack by predators. The enclosed area shall be large enough to ensure the raptor(s) cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each raptor. Adequate perches shall be provided.

(b) The following equipment shall be in the possession of an applicant before a falconry permit shall be issued:

(i) Jesses—At least 1 pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional, one-piece jesses may be used on raptors when not being flown.

(ii) Leashes and swivels—At least 1 flexible, weather resistant leash and 1 strong swivel of acceptable falconry design.

(iii) Bath container—At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design for each raptor.

(v) Weighing device—A reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than 1/2 ounce (15 grams).

(c) All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Raptors held in captivity shall be handled in a sanitary and humane manner and kept free as far as practicable from parasites, sickness, or disease.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am 1, 1997, Eff. May 1, 1997; Am. 4, 1999, Eff. Apr. 9, 1999.

### **10.6 Transportation and temporary holding.**

Sec. 10.6. (1) A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance for a period not to exceed 30 days.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991.

### **10.7 Marking.**

Sec. 10.7. (1) Each raptor, regardless of origin or species, must be identified by an appropriate federal marker provided by the service or wildlife division permit specialist. Marking must be accomplished within 5 days after a

falconer acquires a raptor. The wildlife division permit specialist will provide markers for raptors taken from the wild. The service will provide markers for captive-bred raptors. Loss or removal of any markers must be reported to the wildlife division permit specialist within 5 working days of the loss and must be replaced with an appropriate federal marker.

(2) Alteration, counterfeiting, or defacing of a marker is prohibited except that a falconer may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am 1, 1997, Eff. May 1, 1997.

### **10.8 Other conditions or restrictions.**

Sec. 10.8. (1) A falconer shall obtain written authorization from the wildlife division permit specialist before any species not indigenous to Michigan is intentionally released for return to the wild. The federal marker from any indigenous or nonindigenous raptor to be intentionally released for return to the wild shall be removed and surrendered to the wildlife division permit specialist. A standard federal bird band shall be attached to such raptors by a state- or service-authorized bird bander whenever possible.

(2) Another person, otherwise authorized to possess raptors, may care for the raptor of a falconer if the raptor is accompanied at all times by the properly completed form 3-186A, migratory bird acquisition and disposition report, designating the falconer as the possessor of record and by a signed, dated statement from the falconer authorizing the temporary possession. The wildlife division permit specialist shall be informed by the falconer of this action within 3 days of the transfer and shall be informed where the raptor is being held, the reason for the transfer, who is caring for the raptor, and approximately how many days the raptor will be in the care of the second person. The temporary facility must currently be suitable for the total number of raptors as required in sections 10.5 and 10.6.

(3) Feathers that are molted or those feathers from raptors held in captivity that die, may be retained and exchanged by falconers only for imping purposes.

(4) A falconer may transport or export and import a raptor under their ownership to another state without obtaining a veterinarian's certificate of health, provided the importation and exportation requirements of that state are met. A falconer from another state may import and export a raptor under their ownership without obtaining a veterinarian's certificate of health.

(5) A general or master falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose shall at all times be under the control of the falconer.

History: Eff. Mar. 31, 1989; Am. 7, 1991, Eff. July 1, 1991; Am 1, 1997, Eff. May 1, 1997.

### **10.9 Repealed. Am. 7, 1991, Eff. July 1, 1991.**

Publisher's note: The repealed section pertained to other permit conditions or restrictions.

### **10.10 Taking.**

Sec. 10.10. (1) Except as provided in section 10.4(2) of this chapter, a licensed falconer shall not take any raptor from the wild in the State of Michigan without first applying for and receiving either a general raptor capture permit or a limited northern goshawk capture permit from the wildlife division permit specialist. Permits will be issued subject to all of the following requirements and conditions:

(a) The total number of raptors taken by all falconers, both resident and nonresident, in any 1 calendar year shall not exceed 27 and shall be limited to the following numbers and species: no more than 25 raptors in any combination of American kestrel (*Falco sparverius*), Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), and sharp-shinned hawk (*Accipiter striatus*) and no more than 2 northern goshawks (*Accipiter gentiles*). The total number of all raptors taken by nonresident falconers in any 1 calendar year shall not exceed 5. Raptors shall not be taken except for use in falconry.

(b) There shall be 3 separate seasons open to take raptors. An early passage season will run from April 16 through April 30. Eyas raptors may be taken from May 16 through July 12. A late passage season will run from September 16 through December 31.

(c) A licensed falconer shall apply for a general raptor capture permit to take 1 bird from the following list of species during any of the raptor seasons: American kestrel, Cooper's hawk, red-tailed hawk, and sharp-shinned hawk. In addition, 2 limited northern goshawk capture permits will be available specifically for the take of goshawks during the late passage season. A falconer who has legally taken a raptor may obtain another general raptor capture permit after submitting the used capture permit to the wildlife division permit specialist with the following information in the spaces provided: date of capture, species taken, and permittee's signature. A person who is not a licensed falconer shall not apply for a permit to take a wild raptor. Permits for the calendar year will not be issued after December 23. The department shall revoke any unused general raptor capture permits once the total take of raptors, in the general raptor capture permit category, has reached 25 statewide. Applicants shall provide an e-mail address or telephone number where they can be contacted in the event the legal number is reached. Upon the department providing notice to the e-mail or telephone number provided by a permittee, a permit shall be invalid, and any catching device used under the authority of the permit shall be made inoperable and removed from the field within 24 hours. The permittee is responsible for maintaining a current, valid e-mail or telephone number on file with the wildlife permit specialist.

(d) A lottery will be used to identify successful applicants for the limited northern goshawk capture permits during the late passage season. Permit applications to take goshawks must be submitted to the wildlife division permit specialist prior to August 31 for the late season. Successful applicants will be contacted by the wildlife division permit specialist.

(e) Catching devices used to take a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or person possessing the device permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or person possessing the catching device.

(f) Only American kestrels (*Falco sparverius*) may be taken when over 1 year old.

(g) Taking of raptors on national lakeshores, national recreation areas, and all state lands is prohibited.

(h) Only licensed falconers may have direct contact with a raptor nest.

(i) Licensed falconers must obtain written permission from property owners or land managers before making direct contact with any raptor nest.

(j) An eyas may be taken only if at least 2 healthy young raptors are left in the nest.

(k) A licensed falconer shall report the capture of a raptor to the wildlife division permit specialist by telephone or e-mail within 24 hours after the raptor is taken. A licensed falconer shall submit their used permit to the wildlife division permit specialist within 5 business days after the raptor is taken. A licensed falconer shall report the nest location from which an eyas is taken by county, township, range, and section to the wildlife division permit specialist within 5 business days after the raptor is taken.

(l) The wildlife division permit specialist will maintain an up-to-date annual count of raptors taken beginning with the early passage season. This count will be used to determine if and when the legal limit of 25 raptors is taken under the general raptor capture permit category.

(m) Red-tailed hawks (*Buteo jamaicensis*) shall not be taken during the early passage season.

History Note: Am. 4, 1999, Eff. Apr. 9, 1999; Am. 1, 2004, Eff. Feb. 7, 2004.